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June 6, 2019

The Honorable Frederic Block
United States District Judge and
The Honorable Roanne L. Mann
United States Chief Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Long Island Neurosurgical Associates, P.C. v. 1199 SEIU National Benefit Fund*
Case No. 2-18-cv-06829-FB-RLM
Plaintiff's Objection to Defendant's Request to File a Motion for Dismissal/ Summary Judgment

Dear Judge Block and Judge Mann:

This firm represents Plaintiff Long Island Neurosurgical Associates, P.C. ("LINA") in the above-referenced action. LINA writes objecting to Defendant 1199 SEIU National Benefit Fund's ("Defendant") request for a pre-motion conference and leave to file a Motion for Dismissal/Summary Judgment. In support of this application, LINA states:

- Defendant has submitted an Answer and therefore cannot file a motion to dismiss;
- LINA has attempted to commence discovery with setting up a schedule for a protective order and other items pursuant to Judge Mann's Order dated May 15, 2019 directing the parties to commence discovery prior to the conference on June 27, 2019, but Defendant refuses to participate;
- LINA has many important discovery demands that once provided by Defendant will assist it in filing its opposition to summary judgment at the appropriate time. Moreover, even though LINA was an out-of-network provider, there was no other physician in the Defendant's network of participating providers in the geographic area who could have performed this highly complex surgery.
- LINA does not waive discovery.

We thank Your Honors for your attention to this important matter.

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Respectfully submitted,

/s/ Nan Geist Faber

Nan Geist Faber

cc: All Counsel of Record (Via ECF)